Proposed Amendments to the Drawings

Please see the attached proposed Replacement Sheet, which adds FIG. 11c.

REMARKS

Applicants have amended claims 27, 30-32, 38, 50, 52, 54 and 60-64, and have added claims 70-75. Claims 27-75 are presently pending in the application.

Regarding the objection to the drawings under 37 C.F.R. 1.83, Applicants submit herewith a replacement drawing page which shows an imager adapted to provide an image of a user and further shows an infrared imaging device.

Claims 60-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which Applicants regard as the invention. Applicants submit that the above amendments address this rejection.

The Office Action further rejected claims 27-69 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,254,597, and rejected claims 27-69 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,669,685. In response, Applicants have submitted herewith two Terminal Disclaimers and thus request that the Examiner reconsider and withdraw the obviousness-type double patenting rejection.

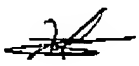
The Office Action rejected claims 27-69 on prior-art. Regarding these prior-art rejections, claims 27-53 and 60-69 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Rizoiu et al. (U.S. Publication No. WO97/07928) in combination with Massengill (U.S. Patent No. 6,106,516), and claims 67-69 (Note: 76-81 are incorrectly listed by the Examiner) are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Rizoiu et al. in combination with Massengill as applied to claims 27-53 and 60-69 above and further in combination with Kittrell et al. (U.S. Patent No. 4,913,142). Applicants respectfully traverse these rejections as they relate to the claims even before the present amendment but especially after the entering of this amendment.

Regarding the outstanding obviousness rejections, it is well established that a claim can be rejected on obviousness grounds only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior-art reference or combination of prior-art references. Thus, for a rejection under 35 U.S.C. 103(a) to be proper, every limitation recited in a claim, which is rejected as being obvious in view of a combination of prior-art references, must be disclosed or taught in that collection of prior-art references.

In the instant case, Applicants reiterate that the cited references neither disclose nor suggest each and every element that is recited in any of the rejected claims. Thus, regarding the standard that each and every claimed element must be shown or taught somewhere in the combination of relied-upon references of a rejection, the relied-upon references, taken separately or together, do not appear to disclose or suggest any of Applicants' claimed combinations.

Applicants therefore submit that the pending independent claims would not have been obvious at the time of the invention to one of ordinary skill in the art and patentably distinguish over the prior art of record. Moreover, it is respectfully submitted that the pending dependent claims are patentable at least because of there dependence on the mentioned independent claims. Accordingly, it is respectfully submitted that the outstanding rejections under 35 U.S.C. § 103(a) are improper. Applicants respectfully request that the Examiner reconsider and withdraw the rejections based upon 35 U.S.C. § 103(a). Applicants respectfully submit that the application is now in condition for allowance, and an early indication of the same is requested. The Examiner is invited to contact the undersigned with any questions.

Respectfully submitted,



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